

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DANNY GILES,

Petitioner,

Case No. C18-0629-RAJ-MAT

V.

DAN WHITE,

Respondent.

ORDER DENYING PETITIONER'S
APPLICATION FOR COURT-
APPOINTED COUNSEL

This is a federal habeas action filed under 28 U.S.C. § 2254. This matter comes before the Court at the present time on petitioner's application for court-appointed counsel. The Court, having reviewed petitioner's motion, and the balance of the record, hereby finds and ORDERS as follows:

(1) Petitioner's motion for court-appointed counsel (Dkt. 14) is DENIED. There is no right to have counsel appointed in cases brought under § 2254 unless an evidentiary hearing is required. *See Terravona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v. Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1992); and, Rule 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts. However, the Court may exercise its discretion to appoint counsel

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1 for a financially eligible individual where the "interests of justice so require." 18 U.S.C. § 3006A.

2 The record is not yet sufficiently developed for the Court to determine whether an
3 evidentiary hearing will be required, and petitioner has not demonstrated that the interests of justice
4 are best served by appointment of counsel at this time. Counsel will be appointed, as required,
5 should the Court later determine that an evidentiary hearing is necessary.

6 (2) The Clerk shall direct copies of this Order to petitioner, to counsel for respondent,
7 and to the Honorable Richard A. Jones.

8 DATED this 22nd day of October, 2019.

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11 Mary Alice Theiler
12 United States Magistrate Judge
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